

NO. PD-0283-16

ROGER DALE VANDYKE

§

IN THE COURT

§

FILED
COURT OF CRIMINAL APPEALS

V.

§

OF CRIMINAL APPEALS

§

10/14/2016
ABEL ACOSTA, CLERK

THE STATE OF TEXAS

§

OF TEXAS

**STATE'S MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW the State of Texas, by the undersigned assistant district attorney, and moves the Court for an extension of time to file its brief on the appellant's petition for discretionary review in the above-captioned case. The State would respectfully show the Court the following:

1. On March 20, 2014, the appellant was convicted of the offense of violation of civil commitment, and his punishment was assessed at imprisonment for twenty-five years. The Ninth Court of Appeals affirmed the appellant's conviction on February 10, 2016.

2. On April 5, 2016, this Court granted the appellant's petition for discretionary review.

3. The appellant's brief on his petition for discretionary review was filed in this Court on September 13, 2016.

4. The State's brief is presently due to be filed in this Court on October 13, 2016.

5. The State has not previously requested an extension of time to file its brief.

5. The State hereby requests a 30-day extension of time to file its brief, until November 12, 2016.

6. Good cause exists for the requested extension of time, for the following reasons:

In the past thirty days, the undersigned counsel for the State has been required to prepare and file several written responses, including the State's answer and proposed findings of fact and conclusions of law in *Ex parte Frelin Armando Romero*, Case No. 12-10-10751-CR-(2); the State's answer and proposed findings of fact and conclusions of law in *Ex parte Ramiro Trevino*, Case No. 12-06-06351-CR-(2); and the State's request for additional time to resolve factual issues raised by application for a writ of habeas corpus in *Ex parte Brandon Scott Blasdell*, Case No. 07-11-11972-CR-(2); the State's appellate brief in *Ronald Eugene Hicks v. The State of Texas*, Nos. 09-15-00467-CR through 09-15-00472-CR; and the State's appellate brief in *Harold Thomas Mabry v. The State of Texas*, No. 09-16-00067-CR.

And, undersigned counsel is assigned to serve as the prosecutor on Montgomery County's misdemeanor expunction cases, and has been required to attend to duties pursuant to that assignment.

Consequently, counsel has not had sufficient time to prepare an adequate State's brief in this case.

THEREFORE, the State requests an extension of time to file its brief until November 12, 2016, in this case.

Respectfully submitted,

BRETT W. LIGON
District Attorney
Montgomery County, Texas

/s/ Brent Chapell
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CERTIFICATE OF COMPLIANCE WITH RULE 9.4

I hereby certify that this document complies with the requirements of Tex. R. App. P. 9.4(i)(2)(B) because there are 416 words in this document, excluding the portions of the document excepted from the word count under Rule 9(i)(1), as calculated by the MS Word computer program used to prepare it.

/s/ Brent Chapell
BRENT CHAPELL
Assistant District Attorney
Montgomery County, Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was e-mailed to Mr. Scott Pawgan, attorney for the appellant, at scottpawgan@yahoo.com, on the date of the filing of the original with the Clerk of this Court.

/s/ Brent Chapell
BRENT CHAPELL
Assistant District Attorney
Montgomery County, Texas